



01-02-04

AP 3077 \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

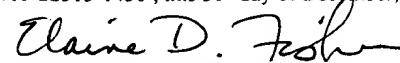
In the application of
KENNETH SMITH
Serial No. 09/943,533
Filed August 30, 2001
For RUBBER BAND
RETAINER APPARATUS

Examiner: DINESH MELWANI

Group Art Unit 3677

Certificate of Express Mailing

I HEREBY CERTIFY that this Petition for Extension of Time was deposited with the United States Postal Service, Express Mail Post Office to Address Service, Express Mail Label No. EL726133989US, addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 31st day of December, 2003.



Elaine D. Fisher, Assistant to Phillip L. Kenner, Reg. No. 22,353

Attorney Docket No. ALL.P.US0001

**PETITION FOR EXTENSION OF TIME
PURSUANT TO 37 CFR § 1.136(a)**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JAN 12 2004
GROUP 3600

Sir:

Applicant's attorneys hereby request an extension of time, pursuant to 37 CFR § 1.136(a), to allow the filing of Applicant's Appeal Brief to the subject application within the second month after the shortened statutory period. A check in the amount of \$420.00 to cover the fee as set forth in 37 CFR § 1.17(a)(2) is enclosed.

The Commissioner is hereby authorized to charge any deficiencies or credit any excess respecting filing of this Petition for Extension of Time to Deposit Account No. 18-0987.

This Petition is being filed to obtain time to file the continuation application enclosed herewith. Applicant does not intend to perfect the Appeal in the above-captioned application.

Respectfully submitted,

01/07/2004 RHARIS1 00000056 09943533

01 FC:1252

420.00 DP


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Attorneys for Applicant

Date: December 31, 2003